

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1186 of 2018

- Rajkumar Yadav S/o Nandelal Dhruv Aged About 47 Years R/o Village-Basin, P.S.- Fingeshwar, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

MCRCA No. 1188 of 2018

- Ramesh Kumar Dhruw S/o Late Nandlal Dhruw Aged About 47 Years Caste Dhruw, R/o Village Basin, Thana Fingeshwar, Tahsil Rajim District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Fingeshwar, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Respondent

&

MCRCA No. 1286 of 2018

- Hulasram Yadav S/o Late Rikhiram Aged About 65 Years Caste Yadav R/o Village Pokhra Police Station Rajim District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Fingeshwar District
Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicants : Mr. Raza Ali, Advocate in M.Cr.C.(A)
No.1186/2018 & 1286/2018.
Mr. S.S.Rajput, Advocate in M.Cr.C.(A)
No.1188/18.

For Respondent/State: Mr. Ashish Shukla, Govt. Advocate.

For Objector : Mr. Raghvendra Pradhan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/10/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in all the cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.114/2018 registered at Police Station Fingeshwar, District – Gariyaband (C.G.) for the offence punishable under Sections 420, 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. It is not denied that these applicants had been members of *Sarvodaya Gramin Swa-Sahayata Samuh*, but they had resigned from the membership of said NGO in the year 2008 itself. The allegation that have been made in this case are totally unconnected with these applicants because this offence has not been committed during the tenure of membership of these applicants. No case is made out against all these applicants,

hence, it is prayed that applicants may be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that the offence was first committed in the year 2008, when the applicants had been members & office bearers of the said NGO, hence, they cannot escape from their responsibilities. The total amount of Rs.1,38,28,914/- has been collected from the beneficiaries and misappropriated by the said NGO, for which these applicants are equally responsible. Hence, no case is made out for grant of bail.
5. Heard both the parties and perused the case diary.
6. A complaint was given by complainant Ramlal Sahu alleging the commission of offence of cheating by the NGO mentioned herein-above. A committee was constituted and an inquiry was made, in which, it was found that the NGO was a registered society. A publicity was made that by making deposit in the NGO, the depositors will get attractive returns. An amount of Rs.1,502/- was collected from each of the investors. About 9027 investors have deposited the aforesaid amount, total of which comes to Rs.1,38,28,914/-. However, no return was made to any of the depositors and the audit report shows, that all the amount has been spent in the activities of NGO. Applicants being the members and office bearers of the NGO have been arrayed as accused in this case.
7. The deposit receipts that have been seized are present in the case diary, disclose that an amount of Rs.1,502/- was received from each depositor as membership fee and this does not appear to be a bond or receipt of any fixed deposit.

8. Statement made by the applicants also needs consideration that they have ceased to be members of the said NGO since the year 2000 and also looking to the nature of allegation made in this case regarding which no documentary evidence has been collected so far by the police, for these reasons, I am of this view that all the applicants deserve to be released on anticipatory bail.
9. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :-
- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge